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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/500,426	06/28/2004	Akihito Komatsu	594.539USWO	9300
23552	7590	07/19/2006		
MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903				
			EXAMINER KOSLOW, CAROL M	
			ART UNIT	PAPER NUMBER

1755

DATE MAILED: 07/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/500,426

Applicant(s)

KOMATSU ET AL.

Examiner

C. Melissa Koslow

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3,5-34,36 and 38-40 is/are pending in the application.
- 4a) Of the above claim(s) 14-24,34,36 and 38-40 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-13 and 25-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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This action is in response to applicants' amendment of 9 June 2006. The newly submitted figure 1 is acceptable, thus the objection to the drawing as failing to comply with 37 CFR 1.84(p)(5) is withdrawn. The amendments to the specification have overcome the objections to the drawing, the disclosure and the specification. The amendments to the claimed have overcome the objections to the claims and the 35 USC 112 rejections. The amendments to the claims have overcome the art rejections over JP 2000-173872, WO 2000/33338; JP 2000-173863; WO 2000/33337, U.S. patent 6,285,543, U.S. patent 6,349,028 and U.S. patent 6,288,889, the obviousness-type double patenting rejections over U.S. patent 6,285,543, U.S. patent 6,349,028 and U.S. patent 6,288,889 and the provisional obviousness-type double patenting rejection. Applicant's arguments, with respect to the remaining art rejections and obviousness-type double patenting rejections, have been fully considered but they are not persuasive.

Amended claims 14-24, 34, 36 and 38-40 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

These claims have been amended to be directed to a capacitor comprising a compound having unsaturated carbon-carbon or carbon-nitrogen  $\pi$  bonds which undergo hydrogen addition reaction and an electrolyte solution. Claims 14-24, 34, 36 and 38-40, as examined, were interpreted as being directed to a capacitor comprising an electrolyte solution which contains a compound having unsaturated carbon-carbon or carbon-nitrogen  $\pi$  bonds which undergo hydrogen addition reaction.

The amended claims and the original claims are directed to related products. The related inventions are distinct if the inventions as claimed do not overlap in scope, i.e., are mutually

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exclusive; the inventions as claimed are not obvious variants; and the inventions as claimed are either not capable of use together or can have a materially different design, mode of operation, function or effect. See MPEP 806.05(j). In the instant case, the inventions as claimed are not capable of use together, are not obvious variants and have materially different designs.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 14-24, 34, 36 and 38-40 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim 5 is objected to because of the following informalities: To ensure the meaning of this claim is clear, it should indicate that the claimed concentration of inorganic acid or its salt is that amount present when the electrolyte consists of inorganic acid or its salt in combination with carboxylic acids and their salts. Appropriate correction is required.

Claim 26 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim.

The subject matter of this claim is now found in claim 2, from which claim 26 depends. Thus claim 26 no longer further limits claim 26.

Claims 10 and 30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear if these claims are limiting the electrolyte to only the listed acids or if this claims means the electrolyte is selected from the listed acids and their salts.

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The Examiner is interpreting these claims to mean the electrolyte is selected from the listed acids and their salts.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-3, 5-13 and 25-33 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. patent 6,307,732.

This reference teaches an aluminum electrolytic capacitor comprising an electrolyte solution comprising 35 wt% water, 65 wt% ethylene glycol (a protic polar organic solvent), 12 wt% ammonium adipate, as the electrolyte, 1 wt% ammonium hypophosphite (which reads on the claimed inorganic salt), p-nitrobenzoate (a nitro compound) and 7 wt% of an ammonium alkane dicarboxylate, where the alkane is octane or decane (examples). The ammonium alkane dicarboxylate is a compound having unsaturated carbon-carbon  $\pi$  bonds which undergo hydrogen addition reaction, which comprises the claimed alkane chain and it has two carboxyl group substituents. The taught ammonium alkane dicarboxylates are soluble in water and ethylene glycol. The weight ratio of ammonium hypophosphate in the mixture of ammonium adipate and ammonium hypophosphite is about 7 wt%. The taught amounts and ratio all fall within the claimed ranges. The reference teaches the claimed electrolyte solution and electrolytic capacitor.

Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.

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Applicants simply argues the reference does not disclose a compound having unsaturated carbon-carbon or carbon-nitrogen  $\pi$  bonds which undergo hydrogen addition reaction.

Applicants have not explained why the taught ammonium alkane dicarboxylates are not compounds having unsaturated carbon-carbon or carbon-nitrogen  $\pi$  bonds which undergo hydrogen addition reaction. The rejections are maintained.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melissa Koslow whose telephone number is (571) 272-1371. The examiner can normally be reached on Monday-Friday from 8:00 AM to 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry Lorengo, can be reached at (571) 272-1233.

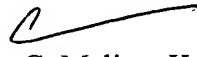
The fax number for all official communications is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

cmk  
July 14, 2006



C. Melissa Koslow  
Primary Examiner  
Tech. Center 1700